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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/911,419	07/25/2001	Tomoyuki Oshiyama	826.1737	4145
21171	7590	05/03/2004		
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER HAVAN, THU THAO	
			ART UNIT 2672	PAPER NUMBER 6

DATE MAILED: 05/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/911,419

Applicant(s)

OSHIYAMA ET AL.

Examiner

Thu-Thao Havan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Response to Amendment

Claims 1-6 and 8-33 are pending in the present application.

Response to Arguments

Applicant's arguments filed February 10, 2004 have been fully considered but they are not persuasive. As addressed below, Kumagai and Yumoto teach the claimed limitations.

In response to applicant's arguments, the recitation edits has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

The claimed limitations "an image generation system which generates or edits an image", Examiner takes the position of an image generation system which generates an image. In that, Yumoto discloses an image generation system, which generates an image comprising of a division unit with graphic data for total division and format conversion (col. 5, lines 49-67; col. 9, lines 33-51). A processing portion for dividing input graphic data in a block unit and executing a conversion processing of graphic data

to mask production data. Furthermore, Kumagai discloses data division wherein a large amount of data has been divided or structured hierarchically, assigned to a plurality of people for parallel manipulation, and then re-united after having been manipulated by the individual people (figs. 3 and 5).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims **1-6 and 8-33** are rejected under 35 U.S.C. 103(a) as being unpatentable over Yumoto et al. (US patent no. 6,008,822) in view of Kumagai et al. (US patent no. 5,809,240).

Re claim **1**, Yumoto teaches an image generation system comprising a division unit dividing a target image into a plurality of divided images (col. 2, line 44 to col. 3, line 62), a providing unit providing a reference image corresponding to the target image to be displayed on the plurality of image generation devices (col. 7, line 61 to col. 8, line 39), a distribution unit distributing a plurality of divided images obtained by division unit to corresponding image generation devices and distributing the reference image to the image generation devices (col. 6, line 48 to col. 7, line 5), a display unit displaying the divided image and the reference image in the image generation device (figs. 10 and 12-16a), and an integration unit integrating divided images generated (col. 9, lines 14-64).

In other words, Yumoto discloses a graphic processing method uses a system including a processing portion for dividing input graphic data in a block unit and executing a conversion processing of the graphic data to mask production data. When the graphic data is different from the graphic data registered to the optimization condition file, such as when the data quantity, the cell number, exceed the predetermined reference value, the graphic data inside the block is scanned so as to judge whether or not the data quantity of the graphic data existing inside the block exceeds the memory capacity in a processor for executing the conversion processing, and to judge the density and the property of the graphic data, such as the number of figures, the existence/absence of oblique lines, the graphic data is divided into the optimum blocks to the data quantity processable by the processor, and the graphic data is then converted to the mask data.

Yumoto *fails* to explicitly teach edits an image using a plurality of image generation devices as claimed. Kumagai, on the other hand, specifically teaches edits an image using a plurality of image generation devices (col. 7, lines 18-67; fig. 6a). In other words, Kamagai discloses a display screen is, composed of a title field for indicating a title of data to be processed for designing graphics, a message field for displaying a message sent from any other workstation, a command display field for displaying an editing command, and an editing screen for displaying all or part of an image to be designed. When data is to be manipulated in parallel by a plurality of people, the data to be processed for designing graphics is divided into the number of areas corresponding to the number of workstations, for example, four areas, and then allocated to the workstations. Data areas to be allocated to workstations overlap one

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another so that the boundaries of the data areas are interpolated by the workstations. Data areas allocated to the workstations. An editing window screen and a menu window screen then appear as display screens on each workstation. An operator of each of the workstations WS1, WS2, WS3, and WS4 can manipulate data allocated to the workstation interactively using the mouse or keyboard. For example, when an operator enters a command for editing a screen at the workstation WS2, the command is input to the processor in the workstation WS1 over the network. When the command is input from the workstation WS2 to the processor, the event managing unit in the processor receives the command and transfers it to the command processing unit. The command processing unit references the workstation management table in the display window managing unit to retrieve the data area stored. If data manipulation is needed, the command processing unit issues a data manipulation request to the data division and data processing unit.

Therefore, having the combined teaching of Yumoto and Kumagai as a whole, one of ordinary skill in the art would have found it obvious to modify the graphic processing step of Yumoto to have edit an image using a plurality of image generation devices as claimed. Doing so would enable changing divided images in a window screen and a menu window screen displaying on each workstation (Yumoto: col. 7, lines 46-67; fig. 6a).

Re claim 3, the limitation of claim 3 is identical to claim 1 above except for a transmission unit. Therefore, claim 3 is treated with respect to grounds as set forth for claim 1 above. Kumagai teaches a transmission unit generating an image

corresponding to the divided image at an instruction of a user and transmitting the image to the image distribution device (col. 9, lines 43-58; col. 1, line 46 to col. 2, line 21) when he discloses data is manipulated as a hierarchical structure, that is, when an image is handled as a united body, and split into details and handled detail by detail, technological problems result in hierarchical structuring and file management.

Moreover, after data is structured hierarchically because of the increase in amount, the data itself may grow to exceed an amount processable by one person. When data has a finely-hierarchical structure, the overall structure of the data becomes transparent to the users.

Re claims **2, 4-5, 6, and 22-33**, the limitation of claims 2, 4-6, and 27-33 are identical to claims 1-3 above except for a storage medium. Therefore, claims 2, 4-6, and 27-33 are treated with respect to grounds as set forth for claims 1-2 above. As for storage medium, Yumoto teaches a storage medium (col. 2, lines 44-59) when he discloses a storage portion having an optimization condition for storing the input data information.

Re claims **8-9, 12, and 15-21**, Yumoto discloses distribution unit distributes only a divided image requiring generation of a corresponding divided image to the image generation device (col. 9, lines 14-64).

Re claim **10**, Kumagai discloses each image generation device assigns the first identifier and at least one of the second and third identifiers to a generated or edited divided image and integration unit integrates divided images based on identifiers assigned to divided images generated or edited by the plurality of image generation

devices (figs. 7 and 13). As shown in figure 13, if event processing is activated, a workstation in which an event occurs is identified. If the event occurs in the same workstation as the one that has been considered so far, control is passed. The system acts as if it were a single-workstation system. If the event occurs in a workstation different from the one that has been considered so far, the environments specified in the internal tables are modified to be consistent with the workstation at which the event is currently entered. In other words, as shown in figure 7, the current values specified in the main management table are rewritten according to an occurring event. Control is then passed. The system then acts as if it were a single-workstation system.

Re claims **11 and 13-14**, Yumoto discloses distribution unit distributes time series information defining moving picture to be generated together with the divided image to a corresponding image generation device and image generation device generates a plurality of divided images corresponding to the received divided images according to the time series information (col. 6, line 48 to col. 7, line 5).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu-Thao Havan whose telephone number is (703) 308-7062. The examiner can normally be reached on Monday to Thursday from 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on (703) 305-4713.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Thu-Thao Havan
April 29, 2004

A handwritten signature in black ink, appearing to read 'M. Razavi', with a stylized, flowing script.

MICHAEL RAZAVI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600